

Message Text

CONFIDENTIAL

PAGE 01 STATE 164105

ORIGIN EUR-12

INFO OCT-01 ISO-00 ACDA-07 AGRE-00 AID-05 CEA-01
CEQ-01 CG-00 CIAE-00 EPG-02 COME-00 DLOS-09
DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FEAE-00
FMC-01 TRSE-00 H-01 INR-07 INT-05 IO-13 JUSE-00
L-03 NSAE-00 NSC-05 NSF-01 OES-07 OMB-01 PA-01
PM-04 PRS-01 SP-02 SS-15 NSCE-00 SSO-00 USIE-00
INRE-00 /118 R

DRAFTED BY EUR/CAN:JBROH-KAHN:CLJ

APPROVED BY D-WCHRISTOPHER

EUR/CAN:JHROUSE,JR.

OES-PMINK

NOAA-RFRANK(SUBS)

L-MR. HANSELLSUBS

EUR-RDVINE

S-O:LRMACFARLANE

NMFS-SCHOENING

-----055714 141909Z /45

O 141843Z JUL 77 ZFF4

FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA NIACT IMMEDIATE

C O N F I D E N T I A L STATE 164105

E.O. 11652: GDS

TAGS: EFIS, CA

SUBJECT: BOUNDARY AND FISHERY NEGOTIATIONS WITH CANADA

REF: OTTAWA 6017

1. PRESIDENT HAS APPROVED APPOINTMENT OF LLOYD CUTLER AS
U.S. SENIOR NEGOTIATOR, AND WE ARE SEEKING TO COMPLETE
ARRANGEMENTS IN ORDER TO PERMIT SIMULTANEOUS ANNOUNCEMENT
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 164105

OF APPOINTMENT OF NEGOTIATORS WEEK OF JULY 18 AS GOC
DESIRES. WE PLAN TO SEEK WHITE HOUSE ANNOUNCEMENT TO
BALANCE GOC RELEASE FROM PRIME MINISTER'S OFFICE. LIKE
CANADIANS, WE BELIEVE ANNOUNCEMENTS BY TWO COUNTRIES SHOULD
BE SIMILAR, PARTICULARLY REGARDING RESPONSIBILITIES OF
NEGOTIATORS, AND THEREFORE CONSIDER IT IMPORTANT THAT
GENERAL TERMS OF REFERENCE ON NEGOTIATIONS BE UNDERSTOOD

AND AGREED IN ADVANCE. THIS IS OF COURSE ESSENTIAL FOR PROGRESSOFTALKS AS WELL.

2. WE ARE THEREFORE TROUBLED BY CERTAIN PARTS OF CANADIAN PAPER CONVEYED REFTEL ON ELEMENTS OF NEGOTIATIONS WHICH CANADIANS PLAN TO USE AS BASIS OF ANNOUNCEMENT. PAPER DIFFERS SIGNIFICANTLY FROM SCENARIO WHICH HANSELL, MINK AND VINE AGREED WITH CANADIANS IN OTTAWA ON JUNE 17 TO PRESENT TO GOVERNMENTS. SELECTION AND APPOINTMENT OF U.S. SENIOR

NEGOTIATOR HAVE BEEN BASED ON THAT AGREED APPROACH, WHICH WE UNDERSTOOD FROM RECORD OF SECRETARY'S MEETING WITH EXTAFF SECSTATE JAMIESON AT OECD JUNE 24 JAMIESON SAID WAS EXCELLENT. NOW, HOWEVER, PAPER PROPOSED BY CANADIAN OFFICIALS DIFFERS FROM EARLIER APPROACH IN SEVERAL KEY POINTS, WHICH TOGETHER CHANGE AND CURTAIL PROPOSED NEGOTIATION TO THE EXTENT THAT WE QUESTION ITS UTILITY. WE BELIEVE IT IMPORTANT TO RETURN AS CLOSELY AS POSSIBLE TO ORIGINAL UNDERSTANDINGS IF NEGOTIATION CAN BE EXPECTED AND BE SEEN TO HAVE ANY REALISTIC PROSPECT OF SUCCESS.

3. SPECIFICALLY, WE HAVE NO OBJECTION TO SLIPPAGE OF DATES FOR RESUMPTION AND COMPLETION OF TALKS TO AUGUST 1 AND NOVEMBER 1 WHICH SEEM MORE REALISTIC. WE WOULD NOT OBJECT TO DELETION OF THE CATEGORY "RELEVANT ENVIRONMENTAL ISSUES" UNDER SCOPE OF NEGOTIATION, SINCE THIS WAS CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 164105

ORIGINALLY PUT IN TO ACCOMMODATE CANADIAN SUGGESTIONS. ITS DELETION SHOULD HOWEVER NOT BE CONSTRUED AS LIMITING NEGOTIATORS' FLEXIBILITY SHOULD ENVIRONMENTAL ISSUES BE FOUND RELEVANT.

4. WE BELIEVE, MOREOVER, THAT SCOPE OF NEGOTIATIONS SHOULD CONTINUE TO INCLUDE REFERENCE TO "OTHER MARITIME ISSUES" IN ORDER TO GIVE SENIOR NEGOTIATORS CLEAR AUTHORITY TO DEAL WITH ALL RELEVANT ISSUES, SHOULD ELEMENTS OF COMPREHENSIVE NEGOTIATED SOLUTION EMERGE. WE WOULD HAVE NO OBJECTION TO LANGUAGE SUCH AS "OTHER RELATED MARITIME ISSUES".

5. IN SECTION RE SALMON INTERCEPTION NEGOTIATIONS, WE CONSIDER THAT POINT (A) SHOULD SPECIFY THAT THESE WILL BE RESUMED "SEPARATELY." TO AVOID POSSIBLE GOC EFFORTS TO HOLD UP CONCLUSION OF SALMON TALKS UNTIL OTHER NEGOTIATIONS CONCLUDED, POINT (B) SHOULD BE REDRAFTED TO ACCORD WITH PREVIOUSLY AGREED SCENARIO: "THE OUTCOME OF THESE SALMON NEGOTIATIONS WILL NOT BE LINKED TO THE OUTCOME OF THE OTHER NEGOTIATIONS BUT WILL BE TAKEN INTO ACCOUNT BY THE CHIEF NEGOTIATORS."

6. WE ALSO BELIEVE THAT CONCLUSION OF AD REFERENDUM AGREEMENT SHOULD CONTINUE TO BE SPECIFIED AS GOAL OF NEGOTIATIONS. WE UNDERSTOOD THAT IDEA BEHIND JAMIESON'S ORIGINAL PROPOSAL TO APPOINT SENIOR NEGOTIATORS WAS TO GIVE THEM ENOUGH AUTHORITY TO TRY TO REACH AN AGREEMENT WHICH OFFICIALS OF THE TWO GOVERNMENTS WERE UNABLE TO DO LAST YEAR. WE BELIEVE IT ESSENTIAL TO GIVE THE NEGOTIATORS THE SCOPE REQUIRED TO ENHANCE POSITIVE OUTCOME AND ARE CONFIDENT THAT WITH THE TECHNICAL SUPPORT THEY WILL RECEIVE WE NEED NOT AND SHOULD NOT ARTIFICIALLY CIRCUM-

SCRIBE THESE AD REFERENDUM EFFORTS. CONVERSELY THE CANADIAN PROPOSAL THAT THE TWO NEGOTIATORS SUBMIT ONLY AN CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 164105

AGREED RECORD OF THE NEGOTIATIONS AND SEPARATE REPORTS TO GOVERNMENTS INDICATES TO US THAT THEY ARE GOING INTO THIS EXERCISE IN THE BELIEF THAT THE TWO SIDES WILL NOT BE ABLE TO REACH AN AGREEMENT. WE CONSIDER, HOWEVER, THAT THE NEGOTIATORS SHOULD BE INSTRUCTED TO REACH AN AGREEMENT IF THEY ARE TO HAVE ANY HOPE OF DOING SO. WE NOTE GOC HAS NOT ACCEPTED COMPROMISE PROPOSAL EMBASSY SUGGESTED PARAGRAPH 6 REFTEL, BUT BELIEVE WE SHOULD NONETHELESS CONTINUE TO PRESS FOR FORMULATION MORE FULLY MAINTAINING SUBSTANCE OF ORIGINAL AGREED PAPER ON THE POINT. IN PARTICULAR, WE DO NOT WISH TO HAVE AN AGREED RECORD OF THE NEGOTIATIONS. ALTHOUGH THIS NEED NOT NECESSARILY BE SPELLED OUT FORMALLY AT THIS STAGE, IT IS IMPORTANT FOR THE NEGOTIATIONS TO SUCCEED THAT THE POSITIONS TAKEN BY EACH SIDE DURING THE NEGOTIATIONS WILL NOT BE USED PREJUDICIALLY AGAINST IT BY THE OTHER SIDE DURING ANY POSSIBLE FUTURE RECOURSE TO ADJUDICATION. SUCH AN APPROACH WOULD GIVE BOTH NEGOTIATORS ADDITIONAL FLEXIBILITY TO TRY TO REACH AN AGREEMENT WITHOUT PREJUDICING THEIR FUTURE LEGAL POSITIONS.

7. DRAWING ON THE ABOVE, EMBASSY SHOULD THEREFORE PASS REVISED STATEMENT PARA 8 BELOW TO EXTAFF ASAP AND SEEK TO OBTAIN GOC AGREEMENT. AMBASSADOR ENDERS WILL BE SUPPLEMENTING THIS EFFORT BY PHONE FROM WASHINGTON AND ON HIS RETURN TO OTTAWA LATER THIS WEEK.

8. BEGIN QUOTE --

ELEMENTS OF CANADA/U.S. MARITIME NEGOTIATIONS
SCOPE OF NEGOTIATIONS:
WITH THE VIEW OF REACHING A NEGOTIATED SETTLEMENT BETWEEN THEM, THE CANADIAN AND U.S. GOVERNMENTS ARE APPOINTING SPECIAL NEGOTIATORS TO CONDUCT AD REFERENDUM ON BEHALF OF
CONFIDENTIAL

CONFIDENTIAL

PAGE 05 STATE 164105

EACH GOVERNMENT NEGOTIATIONS ENCOMPASSING:

- (A) MARITIME BOUNDARIES DELIMITATION
- (B) FISHERIES
- (C) HYDROCARBON RESOURCES
- (D) OTHER RELATED MARITIME ISSUES (U.S. ADDITION)

SALMON INTERCEPTION NEGOTIATIONS:

- (A) THE SALMON INTERCEPTION NEGOTIATIONS WILL BE RESUMED (U.S. ADDITION) SEPARATELY ON A PRIORITY BASIS.
- (B) (U.S. CHANGE) THE OUTCOME OF THE SALMON NEGOTIATIONS WILL NOT BE LINKED TO THE OUTCOME OF THE OTHER NEGOTIATIONS BUT WILL BE TAKEN INTO ACCOUNT BY THE CHIEF NEGOTIATORS.

TIME FRAME FOR NEGOTIATIONS:

- (A) THE NEGOTIATIONS WILL COMMENCE NOT LATER THAN AUGUST 1.
- (B) (U.S. CHANGE) A DRAFT TEXT OF AN AD REFERENDUM AGREEMENT WILL BE SUBMITTED TO GOVERNMENTS NOT LATER THAN NOVEMBER 1.

FORMAT OF THE NEGOTIATIONS:

THE SPECIAL NEGOTIATORS WILL ORGANIZE AND CONDUCT THE NEGOTIATIONS IN THE MANNER AND IN THE PLACES WHICH THEY JUDGE WILL BEST FACILITATE A SETTLEMENT. -- END QUOTE.

9. ABOVE U.S. CHANGES ARE BASED ON ORIGINAL AGREED SCENARIO WHICH WE UNDERSTOOD JAMIESON HAD APPROVED, BASED ON HIS CONVERSATION WITH THE SECRETARY. WE WOULD LIKE TO COME AS CLOSE AS POSSIBLE TO THEM. AS A FALL BACK YOU MAY ALSO CONSIDER IF NECESSARY A TWO-STAGE EXERCISE (ONE FOR REPORTING ELEMENTS, ONE FOR AD REFERENDUM AGREEMENT). YOU MAY SUGGEST FOLLOWING LANGUAGE "(B) CONFIDENTIAL

CONFIDENTIAL

PAGE 06 STATE 164105

THE NEGOTIATORS WILL REPORT TO GOVERNMENTS THE OPTIONS FOR SETTLEMENT BY OCTOBER 1, 1977, AND FOLLOWING INSTRUCTIONS FROM GOVERNMENTS, WILL DEVELOP AD REFERENDUM TERMS OF AGREEMENT FOR SUBMISSION TO GOVERNMENTS BY NOVEMBER 1, 1977." IF AGREEMENT CANNOT BE REACHED ON THE ABOVE ITEMS, GOC SHOULD PRESENT ALTERNATIVE LANGUAGE ON WHICH YOU SHOULD TELL THEM YOU WILL SEEK INSTRUCTIONS. URGENT

AGREEMENT BY CANADA WILL BE NECESSARY IF WE ARE TO MEET
CANADIAN TIMETABLE FOR ANNOUNCEMENTS WEEK OF JULY 18. VANCE

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NEGOTIATIONS, FISHING LIMITS
Control Number: n/a
Copy: SINGLE
Sent Date: 14-Jul-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE164105
Document Source: CORE
Document Unique ID: 00
Drafter: KAHN:CLJ
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770251-0315
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770757/aaaabwvk.tel
Line Count: 226
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 5677566b-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 OTTAWA 6017
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 22-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1859034
Secure: OPEN
Status: NATIVE
Subject: BOUNDARY AND FISHERY NEGOTIATIONS WITH CANADA
TAGS: EFIS, PBOR, CA
To: OTTAWA
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/5677566b-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009